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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,866	09/29/2000	Ron Maurer	1000735-1	3319

22879 7590 02/09/2006

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FORT COLLINS, CO 80527-2400

EXAMINER

SHERALI, ISHRAT I

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/676,866	MAURER, RON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sherali Ishrat	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, 20-34, 36-43 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-13 and 20-27 is/are allowed.
- 6) ☐ Claim(s) 1-3, 14-18, 28-34, 36, 40-41 and 45 is/are rejected.
- 7) ☐ Claim(s) 4, 37-39, 42, 43 and 46-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **Response to Amendment/Arguments**

1. This action is in response to Applicant's amendment and arguments dated 11/15/2005.

Applicant has amended independent claims 1, 16 and 29 to include the limitation of objected claims 19, 35 and 44. Based on the further review of reference to Harrington (US 6,031, 581), Examiner notes that Harrington discloses the chrominance value of pixel is reduced by an amount that is scaled according to chromatic dynamic range in col. 5, lines 15-30 and col. 6, lines 48-59 Harrington states restricting the revised chrominance value of pixel range between maximum and minimum chrominance signal" This corresponds to the chrominance value of pixel is reduced by an amount that is scaled according to chromatic dynamic range [maximum/minimum chrominance signal).

## **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 36 is rejected under 35 USC 101 because claim in lines 1-2 recites "An article for processor comprising memory encoded with instructions" . Memory encoded with instruction comprising memory encoded with instruction is non statutory. Claim

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should recite "An article for processor comprising computer readable medium encoded with computer instruction.

## **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 16-17, 29 and 45 are rejected under 35 U.S.C. 102 (e) as being anticipated by Harrington (US 6,03,1581).

Regarding claims 1-2, 16-17, 28-29 rejection provided in the previous office action is maintained.

With respect to amended limitation of claims 1, 16 and 29 Harrington discloses the chrominance value of pixel is reduced by an amount that is scaled according to chromatic dynamic range in col. 5, lines 15-30 and col. 6, lines 48-59 Harrington states restricting the revised chrominance value of pixel range between maximum and minimum chrominance signal" This corresponds to the chrominance value of pixel is reduced by an amount that is scaled according to chromatic dynamic range [maximum/minimum chrominance signal).

Regarding claim 32, 34 and 45 the amount is scaled according to luminance value of pixel (Harrington, col. 5, lines 5-10).

## **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-15, 28, 31, 33, 40-41 are rejected as being unpatentable over Harrington.

Regarding claims 14-15, 28, 31, 33, 40-41 rejection provided in the previous office action is maintained.

With respect to amended limitation of claim 15 Harrington discloses the chrominance value of pixel is reduced by an amount that is scaled according to chromatic dynamic range in col. 5, lines 15-30 and col. 6, lines 48-59 Harrington states restricting the revised chrominance value of pixel range between maximum and minimum chrominance signal” and chrominance value is restricted i.e. it is not increased. This corresponds to the chrominance value of pixel is reduced by an amount that is scaled according to chromatic dynamic range [maximum/minimum chrominance signal).

10. Claims 3 and 18 are rejected as being unpatentable over Harrington in view of Hickman (US 5,638,138) and McGee (US 5,373,327).

Regarding claims 3 and 18 rejection provided in the previous office action is maintained.

## **Allowable Subject Matter**

10. Claims 5-13 and 20-27 are allowed. Claim 36 is allowed based on the condition that Applicant overcome rejection under 35 USC 101.

Claim 4, 37-39, 42-43, 46-48

## **Communication**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Ishrat Sherali

February 1, 2006



**ISHRAT SHERALI**  
**PATENT EXAMINER**  
**ARTUNIT 2621**